



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,729	07/26/2001	David Brown	P 5256.11003	9441

7590 06/04/2004

Garth Janke
BIRDWELL, JANKE & DURANDO, PLC
1100 SW Sixth Avenue, Suite 1400
Portland, OR 97204

EXAMINER

ROSWELL, MICHAEL

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 06/04/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,729

Applicant(s)

BROWN, DAVID

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to because Figs. 5 and 7-10 contain pen and pencil markings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Both claims recite the limitation "...said colors differ in value". Color value may refer to the RGB value for each displayed color, or a value representative of the previously claimed "codes". Such a discrepancy renders the claims indefinite.

Claim 10 recites the limitation "second code" in the first line of the claim. There is insufficient antecedent basis for this limitation in the claim. The claim is therefore rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2173

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Rasansky et al (U.S. Patent 5,960,406), hereinafter Rasansky.

Regarding claim 1, Rasansky teaches selecting a calendar unit of time (shown as the monthly, weekly, and daily view selection buttons of Fig. 16B and at col. 17, lines 20-24), causing the display to show all or a selected portion of the selected calendar unit of time (shown as the display of events related to the selected period of time, at col. 17, lines 20-27), partitioning the display in a first dimension into a plurality of time-slots for scheduling appointments (shown as the daily and hourly time slots of Figs. 16A-B), partitioning the display in a second dimension by each of a plurality of consultants with whom the appointments are to be scheduled (shown as the names or events associated with the date and time slots of Figs. 16A-B), clicking within a first space associated with both a first set of one or more time-slots and a first selected one of the consultants (taught as the selection of an event or appointment icon to bring up a detailed view, at col. 18, lines 14-18), and coding the clicked space with a first predetermined code to indicate selection of said first set of one or more of the time-slots and the first selected said consultant for scheduling a first appointment (taught as the filling of a calendar with "Slot" data and representative icons, at col. 14, lines 48-61).

Regarding claim 2, RASANSKY teaches confirming the first appointment by indicating confirmation, taught as the visual confirmation of events, at col. 2, lines 15-21.

Regarding claims 3 and 4, RASANSKY teaches sending an e-mail and communicating by telephone to confirm an event, taught as the use of methods such as phone, fax, e-mail and pager to notify a user of a confirmation, at col. 8, lines 17-21.

Regarding claim 5, RASANSKY teaches clicking within a second space associated with both a second set of one or more of the time-slots and a second selected one of the consultants, and coding the clicked second space with a second predetermined code contrasting with the first code to indicate selection of a second set of one or more of the time-slots and the second selected consultant for scheduling a second appointment, and to contrast the second appointment and the first appointment, taught as the use of various icons to represent to the user the types of events on the calendar, at Figs. 16A-B.

Regarding claim 6, RASANSKY teaches confirming the first appointment by indicating confirmation, taught as the visual confirmation of events, at col. 2, lines 15-21.

Regarding claims 7 and 8, RASANSKY teaches sending an e-mail and communicating by telephone to confirm an event, taught as the use of methods such as phone, fax, e-mail and pager to notify a user of a confirmation, at col. 8, lines 17-21.

Regarding claim 9, it can be seen in Figs. 16A-B that the date and time slots are presented to the user in row and column format.

Regarding claim 13, it can be seen from Fig. 18A that RASANSKY allows for the view of appointments and events by month.

Regarding claim 14, RASANSKY teaches coding days of a month with one or more predetermined codes contrasting with a first code, taught in Fig. 18A as the differentiation of daily events in a month through the use of icons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-12 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over RASANSKY and Beckhardt et al (U.S. Patent 6,085,166), hereinafter Beckhardt.

Regarding claim 10, RASANSKY has been shown *supra* to teach the coding of appointment time slots by way of icons.

However, RASANSKY fails to explicitly teach applying colors to the coded spaces.

BECKHARDT teaches methods for an electronic calendar similar to that of RASANSKY. Furthermore, BECKHARDT discloses the use of shading or coloring in slots or "boxes" of the calendar to indicate the status of various events, at col. 8, lines 3-9.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of RASANSKY and BECKHARDT before him at the time of the invention to modify the coded slots of RASANSKY to include the shading or coloring of BECKHARDT in order to obtain a calendar that represents events with various shades or colors.

One would be motivated to make such a combination for the obvious advantage of simply and quickly allowing a user to differentiate between types of events and appointments on a schedule.

Regarding claims 11 and 12, the coloring and shading taught above by BECKHARDT inherently teach a difference in hue and value, as different colors have different hues and different RGB values.

Regarding claim 15, the color-coding of days of a month to differentiate between elapsed days and the current day are well known in the art. Applications such as Microsoft Outlook display an indicator representative of the current day, and displaying a marking on elapsed days has been well known since the days of paper calendars. The Examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to represent elapsed days and the current day with second and third codes different from a first code.

Regarding claims 16-18, the coloring and shading taught above by BECKHARDT inherently teach a difference in hue and value, as different colors have different hues and different RGB values.

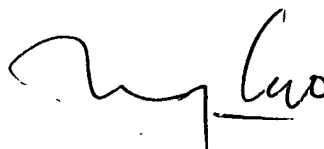
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (703) 305-5914. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell
5/27/2004

A handwritten signature in black ink, appearing to read 'Kevin Nguyen', with a stylized flourish at the end.

CAO (KEVIN) NGUYEN
PRIMARY EXAMINER